

members to [offer information]” as claimed. However, the “selected members” have not been properly identified in the prior art, as discussed above, so the cited text regarding requesting information is not sufficient to teach requesting information from those members as claimed.

The recent amendments further emphasize a distinction between applicant’s invention and Eisenhart. Specifically, claim 1 now describes an open research and development method including the steps of:

using an operator selecting to select members for which provision of information is to be requested, by utilization of information about the members registered in the membership database; then

using the same operator requesting to request the selected members to offer engineering information by way of the communications network.

Claims 2-4 and 6 depend from claim 1, so they also describe this subject matter. Claim 7 now describes an open research and development system including:

means for an operator selecting to select members for which provision of information is to be requested, by utilization of information about the members registered in the membership database;

means for the same operator to then requesting request the selected members to offer engineering information by way of the communications network.

Claims 9, 10, and 12 depend from claim 7, so they also describe this subject matter. Eisenhart does not teach these features of the invention.

That is, Eisenhart’s paragraph [0014] does not teach using the same operator *both* to select members for which provision of information is to be requested *and* to request the selected members to offer engineering information as described in the proposed claims. Further, applicant finds no teaching in any other part of Eisenhart that can anticipate these claims.

Applicant appreciates the courtesy extended by the Examiner-of-record in discussing the rejection by telephone on March 24, 2006. The Examiner expressed concern that the claims did

not emphasize enough the actions performed by a user and the actions performed by the operator.<sup>1</sup> However, to justify maintaining the anticipation rejection, the PTO would need to show *any* party, whether characterized as a user or as an operator, which performs *both* of the actions, which the claims specify as performed by the same operator. Applicant has studied the asserted prior art and see not valid disclosure of a single party performing both actions.

Accordingly, applicant solicits the withdrawal of the anticipation rejection of claims 1-4, 6-10, and 12.

Claims 5 and 11 stand rejected under 35 U.S.C. § 103(a) as obvious over Eisenhart. Applicant respectfully submits that the rejection should be withdrawn.

The obviousness rejection of claims 5 and 11 relies on Eisenhart anticipating parent claims 1 and 7, respectively. However, as explained above, the anticipation rejection should be withdrawn.

Accordingly, applicant now solicits the withdrawal of the obviousness rejection of claims 5 and 11.

In view of the remarks above, applicant now submits that the application is in condition for allowance, and a Notice of Allowability is hereby requested. If for any reason it is believed that this application is not now in condition for allowance, the Examiner is welcome to contact applicant's undersigned attorney at the telephone number indicated below to discuss resolution of the remaining issues.

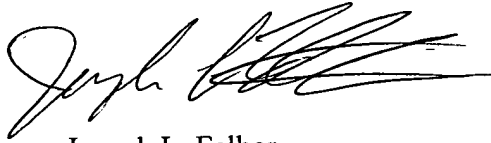
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<sup>1</sup> Applicant notes that, although the claims do not recite the term "user," Fig. 2 of the present application (describing one embodiment of the invention) uses the term to distinguish a user's actions from those performed by an operator.

If this paper is not timely filed, applicant petitions for an extension of time. The fee for the extension, and any other fees that may be due, may be debited from Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'Joseph L. Felber', with a stylized, flowing script.

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